UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,593	10/29/2003	Brian Harold Kelley	030618	8306

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QUALCOMM INCORPORATED
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EXAMINER
HASSAN, AURANGZEB

ART UNIT	PAPER NUMBER
2182	

NOTIFICATION DATE	DELIVERY MODE
05/07/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	10/697,593	KELLEY, BRIAN HAROLD
	Examiner	Art Unit	
	Aurangzeb Hassan	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>23 February 2007</u>.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>2-8,11-13,15,18-22,29-33,35 and 36</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>2-8,11-13,15,18-22,29-33,35 and 36</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claim 2 – 8, 11 – 13, 15, 18 – 22, 29 – 33, 35 and 36 are rejected under 35

U.S.C. 103(a) as being unpatentable over Walters et al. (US Patent Number 6,914,695

hereinafter "Walters") in view of Rathbone (Windows XP, hereinafter "Rathbone") further

in view of Sony Corporation, PC Connecting Kit (Sony Corporation, PC Connecting Kit,

1997 hereinafter "Sony").

3.   As per claims 29, 33, 35 and 36, Walters teaches a medium, system, method

and device comprising:

a peripheral device (digital camera, element 11, figure 2);

a wireless device comprising (IBM ThinkPad, element 10, figure 2) ;

a computer platform (element 10, figure 2 runs Windows OS, column 2, lines 27

– 32), said computer platform comprising:

a plurality of resident programs, each resident program respectively

associated with a communication protocol (column 5, lines 18 – 21); and

an operating system (Windows, column 2, lines 27 – 32) for managing

resources of said wireless devices and for controlling an interaction of the

wireless device said peripheral device;

wherein

said peripheral device selectively communicates with said wireless device using

a specific communication protocol (Bluetooth, column 5, lines 18 – 21), and

upon said peripheral device communicating with said wireless device, said

operating system identifies (device ID, figure 8) a selected resident program associated

with said specific communication protocol and links said selected resident program with

said peripheral device (column 13, lines 6 – 9), and

said operating system identifies said selected resident program by:

attempting to identify said peripheral device (figure 3) and

if successfully identified, mapping from the successfully identified

peripheral device to a corresponding one of said resident programs (HTML

interface, column 13, lines 13 – 52).

Walters does not explicitly disclose mapping protocol when the peripheral is not

successfully identified and the corresponding resident program.

Rathbone explains the operating system Windows XP disclosing a method of

successful identification of a peripheral (operating system Windows XP detects cameras

when first plugged in, page 296 "Scanners and cameras") and if not successfully

identified, prompt for installation of the communication protocol (driver) specified by said

peripheral (if camera isn't automatically accepted Windows XP connects to the

peripheral and directs to installation and thereafter resident programs are ready for use, i.e. mapped)

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to understand the operating system utilized on the wireless device and modify Walters with the above teachings of Rathbone. One of ordinary skill in the art would be motivated to make such modification in order to better understand Windows XP functionality.

Rathbone calls for installation of the driver, however Sony teaches the actual driver, software, and installation of the communication protocol of the peripheral allowing the peripheral device to be mapped to the resident program of Walters.

Sony teaches a method of mapping from a communication protocol specified by said peripheral device (Sony teaches both wired, pages 13 – 17, and wireless, pages 18 – 22, communication protocol specified by the peripheral device and supports a resident program "Sony Digital Still Camera Album Utility", page 23 and allows the software to be properly mapped).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to refer to the user manual of the peripheral device used in Walters and modify the combination of Walter's and Rathbone with the above teachings of Sony. One of ordinary skill would make such modifications in order to benefit from the capabilities of a camera when connected to a computer (page 3).

4.   As per claims 2, 11, 18, and 30, Walters teaches a system, method, device, and

medium wherein, the peripheral device communicates with the wireless device through

a wired connection (cable connection, column 6, lines 32 – 43, USB Serial, column 2,

lines 43 – 45).

The examiner cites two wired connectivity options taught by Walters.

5.   As per claims 3, 12, and 19, Walters teaches a system, method, and device

wherein, the peripheral device communicates with the wireless device through a

wireless connection (Bluetooth, column 6, lines 32 – 47, infrared, column 2, lines 41 –

43).

The examiner cites two wireless connectivity options taught by Walters.

6.   As per claims 4, 13, 20, and 31, Walters teaches a system, method, device, and

medium wherein said attempting to identify comprises the peripheral device sending a

class identifier (registered camera ID, column 8, lines 16 – 19) to the operating system

of the wireless device and said successfully identified comprises the operating system

determining the type of the peripheral device and selecting a resident program

corresponding to a appropriate handler for that peripheral device based upon the class

identifier (column 8, lines 11 – 51).

7.   As per claims 5, 21, and 32, Walters teaches a system, device, and medium

wherein said attempting to identify comprises the peripheral device sending a specific

identifier (ID, column 8, lines 16 – 19) to the operating system of the wireless device

and said successfully identified comprises the operating system determining the type of

the peripheral device and selecting a resident program (column 8, lines 11 – 51)

corresponding to an appropriate handler for that peripheral device based upon the

specific identifier (column 8, lines 64 – 67, column 9, lines 1 – 23).

8.   As per claims 6, 15, and 22, Walters teaches a system, method and device

wherein the peripheral uses the wireless device as a communication portal to the

Internet (column 11, lines 14 – 19).

9.   As per claim 7, Walters teaches a system wherein, the peripheral device uses

the wireless device as a communication portal over a telephone network (element 205,

figure 4, column 9, lines 3 – 6).

10.   As per claim 8, Walters teaches a system wherein, the peripheral device

communicates with the computer platform of the wireless device through the

communication portal of the computer platform (Bluetooth, column 5, lines 18 – 21).

Response to Arguments

11.   Applicant's arguments filed 2/23/2007 have been fully considered but they are

not persuasive. The Applicant argues:

        1.) Rathbone does not teach mapping from the identified peripheral device to a

corresponding one of said resident programs and if the peripheral device is not

identified, the communication protocol specified by the peripheral device is then

mapped without any user intervention.

        2.) Sony does not teach examination of the communication protocol and software

mapping.

12.   As per argument 1, the Examiner respectfully disagrees. In response to

applicant's argument that the references fail to show certain features of applicant's

invention, it is noted that the features upon which applicant relies (i.e., Operating

System is fully independent and functions without user intervention) are not recited in

the rejected claim(s). Although the claims are interpreted in light of the specification,

limitations from the specification are not read into the claims. See *In re Van Geuns*, 988

F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

        The Examiner notes that the Applicant's mapping is a mere association between

a wireless device and a peripheral device in order to have functional communication

between the two devices. The Applicant has stated that Rathbone first checks for the

peripheral mapping and if not available in the operating system, Rathbone has user

intervention to complete the mapping. The Examiner notes that the specification of the

current application has the same protocol for mapping as can be seen in paragraph

[0026] calling for the user to assist in identification and further in paragraphs [0044-0046] where the communication protocol is determined.

By prompting the user to install the appropriate required driver Rathbone is essentially teaching the mapping of the protocol (driver) specified by the peripheral to the resident program as required by the claim.

In regards to the software being properly mapped, the Examiner relies upon Sony for all the drivers (communication protocol) required for the device and upon completion of the installation the prompt of Rathbone is properly mapped.

13.   As per argument 2, the Examiner respectfully disagrees. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., examination of the communication protocol) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claim limitations do not necessitate examination of the communication protocol but more so an operating system identifying the supported protocol for a peripheral device. Sony is relied upon for the communication protocol (driver) that is installed by Rathbone, which completes the mapping of the communication protocol specified by the peripheral.

Conclusion

15.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

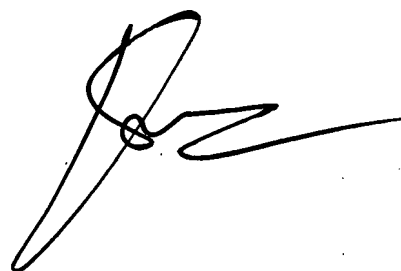than SIX MONTHS from the mailing date of this final action. .

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Aurangzeb Hassan whose telephone number is (571)

272-8625. The examiner can normally be reached on Monday - Friday 9 AM to 5:30

PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kim Huynh can be reached on (571) 272-4147. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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AH

KIM HUYNH
SUPERVISORY PATENT EXAMINER

4/30/07